

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 1  
FOR THE REGULAR MEETING OF  
MONDAY, MARCH 24, 2003**

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**SPECIAL ORDERS OF BUSINESS**

ITEM-S400: Mr. Ernie Flores, Jr. Day.

**COUNCILMEMBER LEWIS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1136)

Commending Mr. Ernie Flores, Jr., for the dedication, commitment, and services he has provided to numerous citizens and organizations in the City of San Diego;

Proclaiming March 24, 2003 to be “Mr. Ernie Flores, Jr. Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\*ITEM-S401: The California Wellness Foundation Grant to Support Strategic Planning for the Family Justice Center and Forensic Medical Program.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1050)

Authorizing the City Attorney to accept and expend a \$60,000 grant from the California Wellness Foundation, over the next thirty-six months, beginning March 2003 through March 2006, to support strategic planning for the Family Justice Center and Forensic Medical Program;

Declaring that the grant will fund one strategic planner for three years.

**SUPPORTING INFORMATION:**

Strategic planning for the Family Justice Center (FJC) and Forensic Medical Unit is funded through March 2006 by the California Wellness Foundation. This award to the City of San Diego, City Attorney's Office, is for the continued development and implementation of a strategic plan to ensure the long-term viability of the Family Justice Center and Forensic Medical Unit. The Family Justice Center opened in October 2002.

The City of San Diego, City Attorney will develop a strategic plan with a strategic planner and the partners at the FJC to transition from being separate, independent agencies to a collaborative one-stop shop that demonstrates commitment, leadership, cooperation and coordination to both the FJC and Forensic Medical Unit. The California Wellness Foundation \$60,000 grant will fund a part-time strategic planner over three years.

The first two phases, Designing the Strategic Planning Parameters and Facilitating the Strategic Planning Process, have been completed. With this grant, the FJC can move forward to Phase III - Implementing, Managing, and Updating the Plan. During this phase, Adams & Adams will help the FJC's Tiger Team implement and sustain the momentum of the Strategic Plan. This phase includes: (1) organizing workgroups, (2) designing the communication system, (3) identifying a management structure to facilitate oversight of the Strategic Plan, and (4) progress reviews. Through ongoing participation and collaboration, the Strategic Plan for launching, implementing, and achieving the Center's goals, objectives, and programs will continue to be developed and implemented.

Devaney/Foster/SS

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S402: U.S. Department of Justice, Office of Justice Programs, Office on Violence Against Women, "Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program."

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1048 Cor. Copy)

Authorizing the City Attorney to apply for, accept and expend a \$500,000 grant from the Department of Justice, Office on Violence Against Women over the next twenty-four months beginning July 1, 2003 through June 30, 2005, to support the program entitled "Grants to Encourage Arrest Policies and Enforcement of Protection Orders;"

Authorizing the City Attorney's Office to hire consultants and/or personnel pursuant to the grant;

Declaring that the City of San Diego agrees to hold the Department of Justice harmless from any liability arising out of the performance of the grant agreement, including court actions or damages.

**SUPPORTING INFORMATION:**

This project is funded through the Fiscal Year 2003 "Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program." This award to the City of San Diego, City Attorney, will establish an on-site Forensic Medical Unit at the Family Justice Center. Sharp Healthcare Grossmont Hospital has agreed to provide leadership and direction in developing and operating the Forensic Medical Unit at the FJC.

The City of San Diego, with assistance from the San Diego City Attorney's Office and the Police Department (SDPD) launched the Family Justice Center (FJC) in October 2002 which brought together a variety of domestic violence professionals and services under one roof. Now that the FJC is fully underway, one critical remaining need is that of an on-site Forensic Medical Unit.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\* ITEM-S402: (Continued)

**SUPPORTING INFORMATION:** (Continued)

With this grant, the FJC will be able to add this crucial missing component and address the needs of victims in a holistic manner. Victims will be able to access medical, legal and social services under one roof and thus the One Stop Shop concept will be realized. The Forensic Medical Unit would be located on the "Community Floor" in a private suite at the FJC. The suite has two medical exam rooms, one restroom, one shower, two offices for staff, storage space, and is available for immediate occupancy. Funding will be used to staff the Unit with a medical doctor, trained in emergency medicine; a forensic nurse practitioner; a domestic violence sexual assault health advocate; a bilingual Hispanic teratogen specialist, and an administrative assistant.

The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local funds.

Devaney/Foster/SS

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S403: U.S. Department of Justice, Office of Justice Programs, Office on Violence Against Women - "Grants to Encourage Arrest Policies and Enforcement of Protection Orders Discretionary Grants Program."

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1049 Cor. Copy 2)

Authorizing the City Attorney to apply for, accept and expend a \$300,000 grant from the Department of Justice, Office on Violence Against Women, to support the program entitled "Grants to Encourage Arrest Policies and Enforcement of Protection Orders;"

Authorizing the City Attorney's Office to hire consultants and personnel pursuant to the grant;

Agreeing to hold the Department of Justice harmless from any liability arising out of the performance of the grant agreement, including court actions or damages.

**SUPPORTING INFORMATION:**

The U. S. Department of Justice, Office on Violence Against Women awarded the City of San Diego a \$300,000 grant to assist with the centralization and coordination of the Family Justice Center (FJC). This project is funded for one year through the "Grants to Encourage Arrest Policies and Protection Orders Program."

The award to the City of San Diego, City Attorney's Office will establish the Forensic Medical Unit and provide office space for the community partners at the FJC. The on-site community partners are as follows: Center for Community Solutions, the Chaplain Program, Children's Hospital, Episcopal Community Services, Military, Probation, Hannah's House, San Diego Domestic Violence Council, San Diego Volunteer Lawyers Program, SDSU Foundation-Women, Infants, and Children (WIC) Program, Sharp Healthcare/Grossmont Hospital, Travelers Aid, Union of Pan Asian Communities (UPAC), and YWCA.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\* ITEM-S403: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The on-site Forensic Medical Unit is the critical remaining need at FJC. With this grant, the FJC will be able to add this crucial missing component and address the needs of victims in a holistic manner. Initially, the Forensic Medical Unit will be comprised of a medical doctor, trained in emergency medicine; and a forensic nurse practitioner. Funding will be sought for additional staff. Sharp Healthcare Grossmont Hospital has agreed to provide leadership and direction in developing and operating the Forensic Medical Unit at the FJC. Victims will be able to access medical, legal and social services under one roof and thus complete the One Stop Shop venture. The Forensic Medical Unit will be located on the "Community Floor" in a private suite that has two medical exam rooms, one restroom, two offices for staff, and storage space.

During the first two months of operation, the FJC received approximately 3,000 phone calls, provided service to 500 victims, and had over 600 site visitors. During the third month of operation, approximately 2,000 phone calls were received, service was provided to 500 victims, and 500 visitors toured the site.

The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local funds.

Devaney/Foster/SS

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S404: Elder Abuse and Same Sex Domestic Violence Program Grant.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1089)

Authorizing the City Attorney, on Council's behalf, to submit proposals to the Office of Criminal Justice Planning (OCJP) for the Elder Abuse and Same Sex Domestic Violence Program to be funded in part from funds made available through the Violence Against Women Vertical Prosecution Program administered by the Office of Criminal Justice Planning (OCJP); to sign and approve the Proposal and Grant Award Agreement, including any extensions or amendments thereof;

Declaring that the City agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCJP and that the cash match will be appropriated as required;

Declaring that any liability arising out of the performance of the Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability;

Declaring that grant funds received hereunder shall not be used to supplant expenditures controlled by Council;

Declaring that the resolution shall be in effect for a three-year period beginning July 1, 2002 and ending June 30, 2003.

**SUPPORTING INFORMATION:**

This is the renewal of a project started in 1998. The project will continue to address elder abuse and same sex domestic violence in the City of San Diego. During the period 1994-1995, there were 387 elder abuse cases reported, however, in a study conducted by the National Center on Elder Abuse, approximately 14 times as many cases go unreported, approximately 5,418 cases.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S404: (Continued)

**SUPPORTING INFORMATION:** (Continued)

While there is little research on same sex domestic violence, the San Diego Police Department reported that same sex domestic violence cases increased from 1.6% to 2.6% of the total domestic violence cases between 1993 and 1996. There has been a steady increase in the number of elder abuse cases prosecuted since the inception of this grant. The caseload has increased from 31 cases during the first year to the current expected 52 cases. The caseload for same sex cases has averaged 30 per year for the three year grant period.

Devaney/Foster/GS



ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S405: Agreement with Orrick Herrington & Sutcliffe LLP for Bond and Disclosure Counsel Services for Ballpark and Redevelopment Project Refunding Bonds.

(Centre City East Community Area.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1043)

Authorizing the City Manager to execute an agreement with Orrick, Herrington and Sutcliffe, for Bond and Disclosure Counsel Services for the Ballpark and Redevelopment Project Refunding Bonds, for an amount not to exceed \$176,500 contingent upon the sale of refund bonds;

Authorizing the expenditure of an amount not to exceed \$60,000 from Fund 102214, Dept. 102214, Org. 250, Obj. Acct. 4141, J.O. 000205, for legal services related to the sale of Ballpark Refunding Bonds.

**SUPPORTING INFORMATION:**

Orrick Herrington & Sutcliffe [Firm] acted as bond and disclosure counsel on the issuance of the Ballpark and Redevelopment Project Lease Revenue Bonds (Series 2002) [Bonds]. A number of lawsuits were filed against the City related to the Ballpark and Redevelopment Project. The Firm assisted the City with the lawsuits and the appeals. In anticipation of all of these legal matters being resolved in the City's favor, the City is planning to move forward with a refunding of the outstanding bonds [Refunding Bonds]. Such refunding will result in lower interest rates and significant savings for the City. Because of the Firm's extensive involvement in the prior issuance of Bonds and familiarity with the associated legal issues, the City has determined to hire the Firm as bond and disclosure counsel for the Refunding Bonds for a fixed fee of \$176,500. Other legal services, including review of the City's annual disclosure reports for the Refunding Bonding, will also be provided by the Firm, for a maximum amount not to exceed \$60,000.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S405: (Continued)

**FISCAL IMPACT:**

Bond and disclosure counsel fees are contingent on the Refunding Bonds being sold and will be paid from the proceeds of the Refunding Bonds. Other services, for a maximum amount not to exceed \$60,000, shall be paid from Fund 102214, Dept 102214, Org. 250, Obj. Acct. 4141, Job Order 000205.

Noone/Frazier/KS

Aud. Cert. 2300939.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S406: Proposed Consultant Contracts.

(See memorandum from Andrew Poat dated 2/24/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1131)

Authorizing the City Manager to enter contract negotiations with the partnership of Sloat-Higgins/Marston & Marston/Platinum Advisors, for the purpose of general state representation on behalf of the City of San Diego;

Authorizing the City Manager to enter compensation negotiations with the partnership of Lehman-English, Jim Costa & Ed Manning, for the purposes of representation on state water, wastewater, and natural resources issues on behalf of the City of San Diego;

Authorizing the City Manager to conclude negotiations with the San Diego Association of Governments, Metropolitan Transit Development Board, and North County Transit on a Memorandum of Understanding and Compensation Agreement for regional transportation consulting services;

Authorizing the City Manager, in conjunction with the Department of Economic Development and Mayor's Office, to complete specifications for a Military Base Realignment and Closure consultant and report to the Rules, Finance and Intergovernmental Relations Committee no later than April 2003.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 2/26/2003, Rules voted 5 to 0 to: a) enter contract negotiations with the partnership of Sloat-Higgins/Marston & Marston/Platinum Advisors, for purposes of General State representation; b) enter compensation negotiations with the firm of Lehman-English & Manning Associates, for purposes of representation on state water, wastewater, and natural resources issues;

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S406: (Continued)

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:** (Continued)

c) conclude negotiations with the San Diego Association of Governments (SANDAG), Metropolitan Transit Development Board (MTDB), and North County Transit on a Memorandum of Understanding and compensation agreement for regional transportation consulting services; and d) complete specifications for a Military Base Realignment and Closure (BRAC) consultant, in conjunction with the Department of Economic Development and Mayor's Office, for adoption by the Rules Committee no later than April 2003.

(Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

**SUPPORTING INFORMATION:**

On February 26, 2003, the Rules, Finance and Intergovernmental Relations Committee voted 5-0 to: a) Enter contract negotiations with the partnership of Sloat-Higgins/Marston and Marston/Platinum Advisors for purposes of General State representation; b) enter compensation negotiations with the firm of Lehman-English & Manning Associates for purposes of representation on State water, wastewater, and natural resources issues; c) conclude negotiations with the San Diego Association of Governments (SANDAG), Metropolitan Transit Development Board (MTDB), and North County Transit on a Memorandum of Understanding and compensation agreement for regional transportation consulting services; and d) complete specifications for a Military Base Realignment & Closure (BRAC) consultant, in conjunction with the Department of Economic Development and Mayor's Office, for reporting to the Rules Committee no later than April 2003.

Bill Baber

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S407: Proposed Fiscal Year 2004 Federal Appropriations Priority List.

(See memorandum from Andrew Poat dated 2/24/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1132)

Approving the City's Fiscal Year 2004 Federal Appropriations Priority List, as set forth in the February 24, 2003 Memorandum from the City's Governmental Relations Department.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 2/26/2003, Rules voted 5 to 0 to approve Fiscal Year 2004 Federal appropriation priorities listed in Andrew Poat's February 24, 2003 memorandum. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

\*ITEM-S408: Mother Lula Champion Blake Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1127)

Recognizing Mother Lula Champion Blake for her outstanding contributions to her family, church, and community;

Proclaiming March 28, 2003 to be "Mother Lula Champion Blake Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S409: Fern Street Circus After-School Circus Skills Program 10<sup>th</sup> Anniversary Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1128)

Recognizing the Fern Street Circus for its outstanding contributions to the community through the circus arts, and heartily congratulating them on the occasion of the 10<sup>th</sup> Anniversary of its After-School Circus Skills Program;

Proclaiming March 17, 2003 to be "Fern Street Circus After-School Circus Skills Program 10<sup>th</sup> Anniversary Day" in the City of San Diego.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCES TO BE INTRODUCED:**

ITEM-S410: Office Space Lease Amendment - MWWD - Complex Street Location.

(Kearny Mesa Community Area. District-6.)

(Continued from the meeting of 3/17/2003, Item 54, at the request of the City Manager, for further review.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2003-123)

Introduction of an Ordinance authorizing the City Manager to execute an amendment to the lease between the City and Gateway West Properties, Inc. for office space at 5450 Complex Street, Suite 310, and 5466 Complex Street, Suite 203, to extend the lease for five years from February 1, 2003 through January 31, 2008, with an option for an additional five years, at an initial rent of \$7,240.19 per month;

Authorizing the City Manager to expend an amount not to exceed \$36,200.95 from Fund 41509 to pay the additional rent due under the Lease as amended, through the end of Fiscal Year 2003.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**CITY MANAGER SUPPORTING INFORMATION:**

The Metropolitan Wastewater Department (MWWD) has been leasing space at 5450 and 5466 Complex Street for its consultant, Westinghouse, since September 22, 1997. As a condition of MWWD's agreement with Westinghouse, MWWD is required to provide needed office space in close proximity to MWWD's Office in Kearny Mesa during the term of the consultant agreement. The landlord has consented to extend the lease term at a below market rate. MWWD is proposing to extend the lease under the following basic terms:

**Extension Term** - Five (5) years, expiring January 31, 2008 with one option to extend the lease for an additional 5 years.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)  
ORDINANCES TO BE INTRODUCED:

ITEM-S410: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Rent - \$0.91 per square foot or \$7,240.19 per month. The rent will increase annually by 4%. The rent for this extension period is below market value compared to similar space in Kearny Mesa. Rent in this area ranges from \$1.03 per square foot to \$1.10 per square foot.

Size - Approximately 7,950 square feet. Suite 310 is approximately 1,640 square feet, and Suite 203 is approximately 6,310 square feet.

Use - General office use for MWWD's consultant, Westinghouse.

**FISCAL IMPACT:**

An additional \$36,200.95 will be paid from MWWD's Fund 41509, Dept. 777 for the balance of FY2003.

Herring/Griffith/DLM

Aud. Cert. 2300949.



ADOPTION AGENDA, DISCUSSION, HEARINGS  
SPECIAL HEARINGS:

ITEM-S411: In the Matter of Negotiations with the San Diego Chargers Pursuant to the Recommendations Set Forth in the Final Report of the Citizens Task Force on Chargers Issues, and Pursuant to the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Subitem-A: (R-2003-1134)

Adopt the resolution designating the following additional individuals to be members of the City Negotiating Team:

1. Paul Jacobs, Esq.
2. Daniel S. Barrett
3. (to be provided)

Subitem-B: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

City Negotiators: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, and such other individuals as are designated by the City Council pursuant to Subitem-A above.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) Subitem-B is listed on the docket only for public testimony.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)  
SPECIAL HEARINGS:

ITEM-S411: (Continued)

**There is no Council discussion of Subitem-B. The City Council's actions are:**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Take any appropriate action on Subitem-A, and refer the matter to Closed Session on March 25, 2003.

**NOTE:** Members of the public wishing to address the Council on these items should speak "in favor" or "in opposition" to the subject.

ITEM-S412: Graffiti Strike Force.

(See City Manager Report CMR-03-053.)

Information report regarding Graffiti Strike Force.

**CITY MANAGER SUPPORTING INFORMATION:**

Mayor Dick Murphy announced a citywide Graffiti Strike Force ("GSF") to combat graffiti crimes in his State of the City address on January 6, 2003. The Public Safety and Neighborhood Services Committee discussed the Mayor's proposal on January 15, 2003, and directed the City Manager to report back to the Committee on implementation. The Police Department briefed the Public Safety and Neighborhood Services Committee on its plans to implement the GSF on February 19, 2003. The report CMR-03-053 summarizes the Department's implementation efforts to date.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\*ITEM-S413: Sunset Cliffs Boulevard Improvements - Award and Additional Funding.

(Ocean Beach and Peninsula Community Areas. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1000)

Authorizing the City Manager to accept the bid of Kirk Paving, Inc. for the construction of CIP-52-698.0, Sunset Cliffs Boulevard, in the amount of \$713,784.25, which includes the Base Bid and Additive Alternate "A" for all phases of the construction work;

Awarding the phase-funded contract to Kirk Paving, Inc., for the construction of CIP-52-698.0, Sunset Cliffs Boulevard, in an amount not to exceed \$713,784.25 to be paid for as follows:

- 1) \$620,000 from TransNet Fund 30300 for Phase I of the project in Fiscal Year 2003; and,
- 2) \$93,784.25 from TransNet Fund 30300 for Phase II of the project in Fiscal Year 2004, contingent upon the adoption of the Fiscal Year 2004 Annual Budget and Annual Appropriation Ordinance and contingent upon the City Auditor and Comptroller certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury; or,
- 3) If sufficient funds for Phase II are not included as part of the approved Fiscal Year 2004 Budget TransNet funds and upon direction of the City Manager, authorizing the City Auditor and Comptroller to appropriate and expend an amount up to \$150,000 from the Infrastructure Fund 30309 to CIP-52-698.0, Sunset Cliffs Boulevard Improvements, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\*ITEM-S413: (Continued)

Authorizing the City Auditor and Comptroller to transfer \$94,000 from CIP-52-503.0, Sports Arena Boulevard, TransNet Fund 30300, to CIP-52-698.0, Sunset Cliffs Boulevard Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend \$94,000 from CIP-62-698.0, Sunset Cliffs Boulevard Improvements, from TransNet Fund 30300, for the purposes of the engineering and construction of the Sunset Cliffs Boulevard improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

The Sunset Cliffs Boulevard Improvements Project (CIP-52-698.0) will provide for the widening of the Sunset Cliffs Boulevard from the existing two-lane roadway to a four lane major road between West Point Loma Drive to Nimitz Boulevard, in accordance with the community plan. The project includes widened pavement, Class III bike lanes, storm drain facilities, curbs, gutters, striping, and median improvements. It also will provide traffic signal upgrades and dedicated right turn lanes at the intersections with West Point Loma Drive and Nimitz Boulevard.

The construction contract was advertised in December 2002. As part of this bid process, Kirk Paving, Inc. was deemed the lowest responsible bidder having passed the SCOP and other requirements. Their price bid for the base contract is \$586,914, which is 12.8% above the engineer's estimate of \$520,400. After a review of the bids, it is not anticipated that rejecting and re-bidding the contract would result in significantly lower bid prices. However, it was found that proceeding with Additive Alternative "A" (Street Lights and Median improvements) as part of the current contract would result in a significant overall cost savings (15-20%), in lieu of inclusion in a future contract. Therefore, it is recommended that Additive Alternative "A" be included in the award of the current contract, which would result in a total contract value of \$713,784.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\*ITEM-S413: (Continued)

**FISCAL IMPACT:**

With the inclusion of Additive Alternate "A", the total cost of this project is now \$1,048,000 for all phases of the work, which exceeds the previously authorized funds (\$804,000) by \$244,000. A portion of the additional funding necessary for this action in the amount of \$94,000 is available from TransNet Funds, CIP-52-503.0, Sports Arena Boulevard from Rosecrans Street to Midway Drive. The remaining additional funds required for this action in the amount of \$150,000 are available from TransNet Infrastructure Fund 30309. No expenditures are anticipated to be incurred against commercial paper at this time. In an effort to defer the issuance of commercial paper, available cash in the amount of \$244,000 will be identified through our cash management process. This contract will be phase funded over Fiscal Year 2003 and Fiscal Year 2004, in accordance with the Phase Funding Schedule.

Loveland/Belock/PKB

Aud. Cert. 2300912.